



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,768	10/06/2000	Jeffrey Wayne McDonald	1335	1633
28004	7590	02/16/2005		
SPRINT 6391 SPRINT PARKWAY KSOPHT0101-Z2100 OVERLAND PARK, KS 66251-2100			EXAMINER TRUONG, LECHI	
			ART UNIT 2126	PAPER NUMBER

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/684,768

Applicant(s)

MCDONALD ET AL.

Examiner

LeChi Truong

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 18-35 and 41-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 18-35 and 41-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 1-12, 18-35, 41-45 are presented for examination. Claims 13-17 and 36-40 are canceled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7, 20-28, 30, 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anthias et al (US. Patent 5,511,199) in view Travis et al (US. 5,422,999) and further in view of Ratner et al (US. Patent 5,889,957).

3. As to claim 1, Anthias teaches the invention substantially as claimed including: a first process (a first computer program, col 2, ln 22-39), a first computer (a first computer language, col 2, ln 22-39), a destination (target object, col 3, ln 39-67, col 4, ln 1-11), a second computer (second computer language, col 2, ln 22-39), destination information / message information (a predetermined description of classes, col 2, ln 22-39/ col 3, ln 39-67, col 4, ln 1-11), a message (a generic send message function/ new object, col 2, ln 22-39/ col 3, ln 39-67, col 4, ln 1-11, the message, col 2, ln 5-15).

4. Anthias does not explicit teach a pointer to a message, generating a tag ...storing a tag in an outbound message vector. However, Travis teaches a pointer to a message, generating a tag

Art Unit: 2126

.... storing a tag in an outbound message vector (different types of services ... one computer to another computer, col 1, ln 15-27, the information object 30, an external reference vector 34/35, stores value that identify the data type of the referenced object, col 3, ln 1-67/ Fig. 2A, the pointers in the entries 76, col 5, ln 10-67).

5. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Anthias and Travis because Travis's the information object 30, an external reference vector 34/35, stores value that identify the data type of the referenced object would provide a new and improved data transport system for transferring data in digital data processing system.

6. Anthias and Travis do not teach a transport protocol at run-time, the second computer comprises a Tandem parallel processor computer system and the destination operates within a Guardian Operating environment. However, Ratner teaches a transport protocol at run-time (the run-time environment will begin a receiving process and create logical connection between the two cooperation process, col 7, ln 16-20/ their run-time libraries through the IPC protocol, col 6, ln 10-17/ col 2, ln 5-10/ the client node 110 that need to be connected to at least one server node 120 that executes some services ... the communication between client and server is done though Linkmon, col 3, ln 15-20), the second computer comprises a Tandem parallel processor computer system and the destination operates within a Guardian Operating environment (node 132 is in a Tandem computer and operating system 140 is running under Guardian Tandem operating system, the operating system 140 which much be also be the operating system common to both server application/ parallel server to work on a problem in Tandem. TS/MP compatible Servers, col 3, ln 30-37, ln 40-53).

Art Unit: 2126

7. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Anthias, Travis and Ratner because Ratner's a transport protocol at run-time, the second computer comprises a Tandem parallel processor computer system and the destination operates within a Guardian Operating environment would solve problems of a typical on-line transaction between a plurality of clients and one or more servers by providing messages for client and server applications to establish the dedicated connection between server and client.

8. As to **claim 2**, Anthias teaches a second process (a second object oriented program, col 2, ln 21-39).

9. As to **claim 3**, Anthias teaches a name of the second process(C++, col 4, ln 12-67).

10. As to **claim 4**, Anthias teaches process to process (a Smalltalk object and C++ object, col 5, ln 26-60/ Fig. 1).

11. As to **claims 5,7**, Ratner teaches the pathway (the client calls one the API of the TS/MP (pathway), col 8, ln 10-15).

12. As to **claim 20**, Anthias teaches a unique identifier (data identifying, col 9, ln 65-67, col 10, ln 1-7).

13. As to **claim 21**, Anthias teaches a rely from the second computer (first program calling ... second computer program, col 2, ln 35-40).

14. As to **claim 22**, Anthias teaches registering a service (first program sends a message to a target object, col 2, ln 22-39).

Art Unit: 2126

15. **As to claim 23**, Anthias teaches receiving the message information (sending said message to said target object, col 2, ln 22-39).

16. **As to claim 24**, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above. In additional, Anthias teaches communication software operational (computer program, col 2, ln 22-39).

17. **As to claims 25-27**, they are apparatus claims of claims 2, 3, 4; therefore, they are rejected for the same reasons as claims 2, 3, 4 above.

18. **As to claims 28, 30**, they are apparatus claims of claims 5,7; therefore, they are rejected for the same reasons as claims 5, 7 above.

19. **As to claims 43-45**, they are apparatus claims of claims 20, 21, 22; therefore, they are rejected for the same reasons as claims 20, 21, 22 above.

20. Claims **18, 19, 41, 42** are rejected under 35 U.S.C. 103(a) as being unpatentable over Anthias et al (US. Patent 5,511,199 in view Travis et al (US. 5,422,999) in view of Ratner et al (US. Patent 5,889,957) as applied to claim 1 above and further in view of Frank William Grilchrist (US. Patent 6,081 832).

21. **As to claims 18, 19**, Anthias, Travis and Ratner do not teach a checking for error, an error service. However, Grilchrist teaches a checking for error, an error service (the type of error, the Report Indicator class, col 25, ln 37-45).

22. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Anthias, Travis, Ratner and Grilchrist because Grilchrist's

Art Unit: 2126

the type of error, the Report Indicator class would determine whether the message is the report of delivery or an error.

23. As to claims 41, 42, they are apparatus claims of claims 18, 19; therefore, they are rejected for the same reasons as claims 18, 19 above.

24. Claims 6, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anthias et al (US. Patent 5,511,199) in view Travis et al (US. 5,422,999) and in view of Ratner et al (US. Patent 5,889,957) as applied to claim 1 above and further in view of AD (Applicant Design Service Handbook).

25. As to claim 6, Anthias, Travis and Ratner do not teach a name of the pathway. However, AD teaches a name of the pathway (Pathway name, page 164, ln 22-26).

26. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Anthias, Travis and Ratner and AD because AD's pathway name would provide the capability of naming uniquely for all created process.

27. As to claim 29, it is an apparatus claim of claim 6; therefore, it is rejected for the same reason as claim 6 above.

28. Claims 8-12, 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anthias et al (US. Patent 5,511,199) in view Travis et al (US. 5,422,999) in view of Ratner et al (US. Patent 5,889,957 as applied to claim 1 above and further in view of John Shapley Gray (Interprocess communication in Unix).

29. As to claims 8-12, Anthias, Travis and Ratner do not teach a socket, a port number of socket, Internet protocol address, address. However, John teaches a socket, a port number of socket, Internet protocol address, address (socket, a port number, section 10.4.2/ address, section, 10.2.1/ ICMP, section 10.2.3).

30. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Anthias, Travis, Ratner and John because John's socket, a port number, address, ICMP would make the communication between process and destination more available to use in any systems.

31. As to claims 31-35, they are apparatus claims of claims 9-12; therefore, they are rejected for the same reasons as claims 9-12 above.

Response to the argument

29. Applicant amendment filed on 9/03/04 has been considered but they are not persuasive:

Applicant argued in substance that :

(1) " The path between the client and server is a transport protocol and the protocol is already determined prior to the runtime. In contrast, claim 1 requires dertermining the transport protocol at run-time".

30. Examiner respectfully disagreed with Applicant's remarks:

As to the point 1, Ratber teaches the run-time environment will begin a receiving process and create logical connection between the two cooperation process (col 7, ln 16-20), their run-time libraries through the IPC protocol (col 6, ln 10-17/ col 2, ln 5-10), the client node 110 that

need to be connected to at least one server node 120 that executes some services ... the communication between client and server is done through Linkmon (col 3, ln 15-20).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished

Art Unit: 2126

applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

February 9, 2005


MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100